

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 17-00197-01-CR-W-GAF
)	
DONNELL DRAPER,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 9, 2017. Defendant Draper appeared in person and with appointed counsel Allison English. The United States of America appeared by Assistant United States Attorney Adam Caine.

I. BACKGROUND

On June 27, 2017, an indictment was returned charging Defendant with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Caine announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective John Straubel.

Ms. English announced that she will be the trial counsel for Defendant Draper.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Caine announced that the government intends to call 5 witnesses without stipulations or 3 witnesses with stipulations during the trial.

Ms. English announced that Defendant Draper intends to call 1 witness during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Caine announced that the government will offer approximately 10 exhibits in evidence during the trial.

Ms. English announced that Defendant Draper will not offer any exhibits in evidence during the trial.

VI. RULE 404(b) EVIDENCE

Mr. Caine announced that the government will offer 404(b) or res gestae evidence during the trial.

Ms. English announced that Defendant Draper will not offer 404(b) or res gestae evidence during the trial.

VII. DEFENSES

Ms. English announced that Defendant Draper will rely on the defense of general denial.

VIII. POSSIBLE DISPOSITION

Ms. English stated this case is probably not for trial.

Mr. Caine stated the government had not proposed a plea agreement to the defendant.

IX. STIPULATIONS

Stipulations are likely as to chain of custody, prior felony conviction and interstate nexus of the firearm.

X. TRIAL TIME

Counsel were in agreement that this case will take 1-2 days to try.

XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a **list of exhibits** he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **August 9, 2017**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **August 16, 2017**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, Wednesday, **August 16, 2017**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That counsel for each party file all **signed stipulations** by or before noon, Wednesday, **August 16, 2017**;

That **seven days before the trial date** as reflected in the forthcoming trial letter, if there is not a scheduled change-of-plea hearing, the parties shall make available for the opposing party to inspect, copy or photograph (1) **all premarked trial exhibits**, (2) **any written statements that will be used at trial**, and (3) **Rule 404(b) and res gestae evidence to be offered at trial**.

XII. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XIII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 21, 2017.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 9, 2017
cc: Mr. Kevin Lyon